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FISCAL IMPACT REPORT

ORIGINAL DATE 03/04/11

SPONSOR King LAST UPDATED _____ HB 600

SHORT TITLE Judicial District Domestic Relation Mediation SB _____

ANALYST Sanchez, C.

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	None		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY11	FY12	FY13		
	+\$100.0	+\$200.0	Recurring	Domestic Relations

(Parenthesis () Indicate Revenue Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non- Rec	Fund Affected
Total		+\$300.0	+\$500.0	+\$800.0	Recurring	General and Domestic Relations Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

HB 600 requires domestic relations mediation programs in all district courts.

Section 1. HB 600 amends Section 40-12-5 of the Domestic Relations Mediation Act (the Act) to *require* (rather than merely permit) that all judicial districts “establish a domestic relations mediation program by court rule approved by the supreme court [and also] employ or contract with a counselor to provide consultations, evaluations and mediation in domestic relations cases involving children.”

Section 2 requires (rather than permits) the district court clerk to collect a surcharge of thirty dollars (\$30.00) on all new and reopened domestic relations cases to fund the mediation program.

Section 3. Provides that the effective date is July 1, 2011.

FISCAL IMPLICATIONS

According to the Administrative Office of the Courts (AOC), the fiscal impact on the judiciary would depend on the additional resources required for set-up of these programs in districts that do not presently have one, including additional staff, although these costs would be off-set by the filing fee surcharge and also by the degree to which cases are closed through mediation rather than through protracted litigation in traditional court processes. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase. AOC is currently working on possible parameters to measure resulting case impact.

This bill creates the domestic relations mediation fund.

SIGNIFICANT ISSUES

Section 40-12-4 of the Act currently provides that “A judicial district shall create a ‘domestic relations mediation fund’ [to] be used to offset the cost of operating the domestic relations mediation program and the supervised visitation program,” and the fund is composed of sliding fees and the \$30.00 surcharge.

Court-annexed ADR programs, such as mediation, arbitration, and settlement facilitation are widespread in New Mexico, and are designed to help litigants avoid costly trials, reduce judges’ backlogged cases, and obtain outcomes more acceptable to the parties. To enhance these efforts and to promote new opportunities, AOC has contracted with the National Center for State Courts to gather data and suggestions through an electronic survey of judges/hearing officers, court/ADR program directors and providers and attorneys about current ADR operations and the future use and improvement of court-annexed ADR in NM. The results will enable courts to improve on existing and future ADR programs, including the domestic relations mediation programs mandated by HB 600. The survey responses will include conclusions and suggestions drawn from the experience of existing programs, including the sufficiency of the amount of the surcharge required to fund the programs.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

CS/mew